**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

WEALTH TAX APPLICATION NO. 5 OF 2000

The Commissioner of Wealth Tax, Mumbai .. Applicant

V/s.

M/s. A.H. Bhiwandiwalla & Co. Pvt. Ltd., Mumbai .. Respondent

WITH

WEALTH TAX APPLICATION NO. 6 OF 2000

The Commissioner of Wealth Tax, Mumbai .. Applicant

V/s.

M/s. A.H. Bhiwandiwalla & Co. Pvt. Ltd., Mumbai .. Respondent

WITH

WEALTH TAX APPLICATION NO. 8 OF 2000

The Commissioner of Wealth Tax, Mumbai .. Applicant

V/s.

M/s. A.H. Bhiwandiwalla & Co. Pvt. Ltd., Mumbai .. Respondent

Mr. R.V. Desai, Sr. Advocate with Mr. R. Ashokan for the Applicant

None present for the Respondent.

**CORAM : S. RADHAKRISHNAN &**
**J.P. DEVADHAR, JJ.**
**DATED : 04.03.2005**

**P.C.:-**

1. Heard the learned counsel for the Applicant. The issue raised in the above deals with the valuation of the plot of land leased to a co-operative housing society. The Officer has valued the plot by capitalising at an yield of 8% per annum. The Tribunal has allowed at the rate of 15% per annum by following the decision in the case of **Bhikhoo K. Bahadurji in WTA No. 2062/Bom/90.** The Revenue is unable to make a statement, whether the

above decision has been challenged or not. In view of the above, the decision has become final and in any event the decision is based on a question of fact and as such, there is no substantial question of law involved in the above, hence the Applications stand dismissed.

**(S. RADHAKRISHNAN, J.)**

**(J.P. DEVADHAR, J.)**